UNITED NATIONS **A**

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COMMITTEE ON RELATIONS WITH
THE HOST COUNTRY

LETTER DATED 9 MARCH 1998 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

I have the honour to request your good offices in circulating the attached note verbale dated 9 March 1998 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations as an official document of the Committee on Relations with the Host Country.

The attached note verbale refers to an incident that took place at the Brussels airport with the authorities of Delta Airlines, on 27 February 1998, on my way back to New York City after attending an international seminar on Palestine held at Brussels, in my capacity as Vice-Chairman of the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People.

(Signed) Bruno RODRÍGUEZ PARRILLA

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ANNEX

Note verbale dated 9 March 1998 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and wishes to refer to the incident involving His Excellency Mr. Bruno Rodríguez Parrilla, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Cuba to the United Nations and Vice-President of the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People, at the Brussels airport, on Friday, 27 February 1998, on his way back to New York City, after participating in an international seminar on Palestine, i.e., in an official event of the United Nations.

Ambassador Bruno Rodríguez Parrilla was subjected to a selective and discriminatory procedure by representatives of the United States airline Delta Airlines as he tried to board flight DL 141 at 10 a.m. (local time). No other passenger on that flight, including another ambassador to the United Nations and the officials of the United Nations Secretariat who witnessed the incidents, was subjected to any additional proceedings.

Ambassador Parrilla followed the regular check-in procedure at the Delta desk and passed the airport's security controls in the normal manner. However, on arriving at the exit gate, the airline's officers told him that he could not board the plane without putting himself through an additional formality regarding his carry-on luggage and was then led to exit 40 of that airport, about 500 metres away from his flight's gate and, obviously, equipped for special security inspection by United States officers. At that point, there was an attempt to carry out physical search of the ambassador's carry-on luggage and body.

The Delta Airlines officers and the Belgian port authority employee (as he identified himself), Mr. Peter Jennsens, adduced that it was special regulations established by the United States Federal Aviation Administration (FAA) for citizens of certain States. Ambassador Parrilla invoked the privileges and immunities he enjoys in conformity with the existing international legal regime on said privileges and immunities and bluntly refused to put himself through such humiliating, selective and discriminatory procedures. After a half-hour delay of the flight, the ambassador was kept from boarding the plane.

The Permanent Mission of Cuba must recall that a similar incident took place on 17 August 1996, at Kennedy airport, with officers of the United States airline Northwest Airlines, which was described in the note verbale of the Permanent Mission of Cuba dated 26 August 1996 (A/AC.154/292), whose contents are reiterated by the Cuban diplomatic Mission on the present occasion.

In the aforementioned note verbale, the Permanent Mission of Cuba stated that the repeated attempts and pressure to manually search the ambassador's carry-on luggage constituted a gross violation of the diplomatic privileges and

immunities granted to diplomatic officials by several international juridical instruments, in particular the Vienna Convention on Diplomatic Relations, the Agreement on the Headquarters of the United Nations and the Convention on the Privileges and Immunities of the United Nations.

Likewise, the Permanent Mission of Cuba denounced the inadmissible nature of applying special, selective and discriminatory measures against a passenger, precisely because of his or her being a diplomat of the Republic of Cuba.

Prior to the incident at Kennedy airport, the Permanent Mission of Cuba had brought to the attention of the authorities of the host country the fact that certain information was publicly circulating at the United Nations relating to measures adopted by the United States authorities in regard to flight security, including the existence of a list of countries with alleged links with terrorism, whose nationals would be subject to special, discriminatory and selective measures at United States airports.

The United States Mission in its note verbale HC-33-96, of 4 September 1996, replied that it regretted the incident the Permanent Representative of Cuba had been through on 17 August 1996 and stated that the necessary measures had been taken to prevent a new incident of that nature from taking place.

However, the facts indicate the existence of regulations established by official agencies of the United States Government in violation of diplomatic privileges and immunities internationally recognized for diplomatic officials and representatives of States Members of the United Nations. The United States media, for example The New York Times, in its 31 December 1997 issue, dealt openly with this issue.

In this regard, the Permanent Mission of Cuba would like to know if there are regulations from official agencies of the United States Government such as those described, and would appreciate an official response on this matter.

The Permanent Mission of Cuba reiterates that it will not renounce the diplomatic privileges and immunities entertained by its officials by virtue of the Vienna Convention on Diplomatic Relations, the Agreement on the Headquarters of the United Nations and the Convention on the Privileges and Immunities of the United Nations.

The Permanent Mission of Cuba reserves the right to resort to the relevant bodies of the United Nations, to the effect of denouncing the repeated application of an unacceptable, selective and discriminatory measure against Cuban diplomatic officials accredited to the United Nations.

UNITED NATIONS **A**

General Assembly

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COMMITTEE ON RELATIONS WITH
THE HOST COUNTRY

LETTER DATED 14 APRIL 1998 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

I have the honour to request your good offices in circulating the attached note verbale, dated 14 April 1998 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations, as an official document of the Committee on Relations with the Host Country.

The attached note verbale is our reply to the United States Mission's response to our earlier note verbale (A/AC.154/315) referring to an incident that took place on 27 February 1998 at the Brussels Airport with the authorities of Delta Airlines, as I was returning to New York City after attending an international seminar on Palestine in my capacity as Vice-Chairman of the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People.

(Signed) Bruno RODRÍGUEZ PARRILLA
Ambassador
Permanent Representative

98-10520 (E) 200498 210498 240498

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ANNEX

[Original: English and Spanish]

Note verbale dated 14 April 1998 from the Permanent Mission of Cuba to the United Nations addressed to the Mission of the United States of America to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the Mission of the United States of America to the United Nations and wishes to make reference to note verbale HC-11-98 of 21 March 1998 from the United States Mission addressed to the Permanent Mission of Cuba, and to the circular note attached to the said note verbale, which was sent by the United States Mission to all Permanent Missions and Observers.

In this regard, the Permanent Mission of Cuba to the United Nations wishes to know whether there exist any currently valid federal regulations issued by any United States Government official agency or agencies whereby citizens or nationals from specific States must or may be subject to pre-boarding security inspections and screening which differ from the ordinary procedures applied to other travellers.

The Permanent Mission of Cuba to the United Nations would also like to know if there exist any currently valid federal regulations issued by any United States Government official agency or agencies whereby travellers from or bound for specific States must or may be subject to pre-boarding security inspections and screening which differ from the ordinary procedures applied to other travellers.

The Permanent Mission of Cuba to the United Nations kindly requests information on whether any such regulations as described in the two previous paragraphs exist which must or may be applied to diplomats accredited to the United Nations, or to their families, from specific States or travelling from or to specific destinations.

UNITED
NATIONS

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A/AC.154/317
20 April 1998

ORIGINAL: ENGLISH

COMMITTEE ON RELATIONS WITH
THE HOST COUNTRY

LETTER DATED 9 APRIL 1998 FROM THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

I have the honour to enclose herewith the response of the United States Mission to a note verbale dated 9 March 1998 received by this Mission from the Permanent Mission of Cuba to the United Nations (A/AC.154/315, annex) regarding an incident involving the Permanent Representative of Cuba, a Belgian security firm and representatives of Delta Airlines at the Brussels airport on 27 February 1998 (see annex I).

As can be seen from the United States Mission's reply as reflected in a circular note verbale sent on 21 March 1998 to all permanent and observer missions (see annex II), it is suggested that all diplomatic officers accredited to the United Nations in New York make their diplomatic status clear to security agents and airline officials when boarding international flights destined to United States airports from outside the United States. A similar circular note verbale was sent to all permanent and observer missions on 28 August 1996 recommending that that procedure be followed when boarding international flights originating at United States airports (see annex III).

I request that you circulate the text of the present letter and its annexes as an official document of the Committee on Relations with the Host Country.

(Signed) Betty KING
Ambassador

98-10829 (E) 210498 220498

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ANNEX I

Note verbale dated 21 March 1998 from the United States Mission to the United Nations addressed to the Permanent Mission of Cuba to the United Nations

The United States Mission to the United Nations presents its compliments to the Permanent Mission of Cuba to the United Nations, and with reference to the latter's note No. 132 of 9 March 1998 regarding an incident which occurred at the Brussels airport on 27 February 1998, invites the attention of the Permanent Mission to the attached circular note which was sent today to all permanent missions and permanent observers (see annex II).

The Chief of Protocol for Delta Airlines has asked the United States Mission to convey to the Permanent Mission his concern over the unpleasant experience of the Permanent Representative as a result of a security check. The United States Mission believes the procedures set forth in the attached circular note should eliminate a similar occurrence in the future.

ANNEX II

Circular note verbale dated 21 March 1998 from the United States Mission to the United Nations addressed to all permanent and observer missions at Headquarters

The United States Mission to the United Nations presents its compliments to the permanent missions and permanent observers to the United Nations and has the honour to inform the members of the missions of airport security procedures in effect for United States airports as well as for United States-flag carriers departing from foreign airports.

Airline and government officials responsible for protecting the safety of all air travellers, including diplomats accredited to the United Nations, have implemented, over time, certain security procedures at United States airports in response to potential threats and actions by terrorist groups. Many United States-flag air carriers have subsequently implemented certain of the security procedures for flights departing from foreign airports as well.

In its circular note verbale HC-31-96 of 28 August 1996 (see annex III), the United States Mission informed members of the United Nations diplomatic community that they should carry their official United States Department of State identification cards with them at all times when travelling from United States airports, thereby assisting airline and government officials with their identification as bona fide diplomats or members of missions. The United States Mission recommends that members of the missions and their families also carry their United States Department of State identification cards with them when travelling on United States-flag air carriers departing from foreign airports.

Diplomats and family members should expect that their baggage and their persons will be subjected to normal security checks, e.g., bags will be X-rayed and individuals will be expected to walk through metal detectors.

Diplomats have been subject to pre-boarding security inspections since the 1970s when a wave of hijackings led the United States and other countries to require pre-boarding screening. The practice is widespread and has been accepted by the international community. Moreover, an individual airline may decline to board diplomats or family members who decline to voluntarily permit the search of their personal baggage or person.

While it is regrettable that conditions are such that these procedures are necessary, diplomats and family members should bear in mind that, although inconvenient at times, the procedures are for their security and safety.

ANNEX III

Circular note verbale dated 28 August 1996 from the United States Mission to the United Nations addressed to all permanent and observer missions at Headquarters

The United States Mission to the United Nations presents its compliments to the permanent missions and offices of the permanent observers to the United Nations and has the honour to inform those members of airport security procedures now in effect at United States airports.

The procedures are designed to protect the security and safety of all persons who travel, including diplomats accredited to the United Nations in New York and their families. Recent threats and actions by terrorist groups require heightened efforts by airline and government officials responsible for protecting the safety of air travellers.

Diplomats accredited to the United Nations and their family members who plan to travel from United States airports should carry their official United States Department of State identification cards with them for identification purposes at the airport. Diplomats and family members should expect that their baggage and their person will be subjected to normal security checks, for example, bags will be X-rayed and individuals will be expected to walk through the metal detectors. Moreover, an airline may decline to board a diplomat or family member who declines to voluntarily permit the search of their personal baggage or person.

The United States Mission to the United Nations regrets that conditions are such that these procedures are necessary for the safety of air travellers. The United States Mission appreciates the cooperation of members of the United Nations diplomatic community in this regard and avails itself of this opportunity to renew to the permanent missions and the observer offices to the United Nations the assurances of its highest consideration.